

THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Jun Li,)
)
Plaintiff)
)
Vs.)
)
Michael Chertoff, Secretary of the Department of)
Homeland Security; **Emilio T. Gonzalez**, Director of)
U.S. Citizenship & Immigration Services (USCIS);)
Paul E. Novak, Jr., Vermont Service Center Director,))
U.S. Citizenship & Immigration Services;)
Robert S. Mueller, Director of Federal Bureau of)
Investigation)
Defendants)

Case No.: 06 - 596

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2006 SEP 26 PM 1:17
PLG scanned

PLAINTIFF'S ORIGINAL COMPLAINT FOR
WRIT IN THE NATURE OF MANDAMUS & DECLARATORY JUDGEMENT

NOW come the Plaintiff, Jun Li, by and through *Pro Se* in the above-captioned matter, and hereby states as follows:

1. This action is brought against the Defendants to compel action on the clearly delayed processing of an I-485 Application filed by the Plaintiff, Jun Li. The application was filed and remains within the jurisdiction of the Defendants, who have improperly delayed processing the application to Plaintiffs detriment.

PARTIES

2. Plaintiff, Jun Li, resides at 18 Marvin Drive, Apt. C-3, Newark, DE 19713, is the beneficiary of an I-485, Application to Register Permanent Resident or Adjust Status, filed with the USCIS.
3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. 8 USC §1103(a). More specifically, the Secretary of the

Department of Homeland Security is responsible for the adjudication of applications for nonimmigrant visas filed pursuant to the Immigration and Nationality Act (INA). The U.S. Citizenship & Immigration Services is an agency within the Department of Homeland Security to whom the Secretary of the Department of Homeland Security's authority has in part been delegated, and is subject to the Secretary of the Department of Homeland Security's supervision.

4. Defendant is Emilio T. Gonzalez, Director of U.S. Citizenship & Immigration Services (USCIS), is an official generally charged with supervisory authority over all operations of the USCIS with certain specific exceptions not relevant here. 8 CFR §103.1(g)(2)(ii)(B).
5. Defendant Paul E. Novak, Jr., Vermont Service Center Director, is an official of the U.S. Citizenship & Immigration Services (USCIS) generally charged with authority over operations of the USCIS within his Service Center with certain specific exceptions not relevant here. 8 CFR §103.1(g)(2)(ii)(B).
6. Defendant Robert S. Mueller is Director of Federal Bureau of Investigation, the law enforcement agency that conducts security clearances for other US government agencies, such as Department of States, USCIS. As will be shown, Defendant has failed to complete the security clearances on Plaintiff's case.

JURISDICTION

7. Jurisdiction in this case is proper under 28 USC §1331 and §1361, 5 USC §701 *et seq.*, and 28 USC §2201 *et seq.* Relief is requested pursuant to said statutes.

VENUE

8. Venue is proper in this court, pursuant to 28 USC §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant is located and performs his official duties.

EXHAUSTION OF REMEDIES

9. The Plaintiff has exhausted his administrative remedies. The Plaintiff has supplied the USCIS documents that clearly establish his eligibility to Register Permanent Resident or Adjust Status.

CAUSE OF ACTION

10. The Plaintiff properly filed an application 1-485, Application to Register Permanent

Resident or Adjust Status, pursuant to Section 245 of the Immigration & Naturalization Act with concurrent filing of I-140 in EB2 NIW category.

11. This petition, along with supporting documentation, was filed and mailed to Vermont Service Center, on February 13, 2004. Petition I-140 was approved on March 10, 2005. Fingerprints were submitted to the USCIS on or about April 20, 2005. On August 5, 2005, the Plaintiff was informed that the USCIS had not completed his background check, therefore was unable to approve the petition, after requested by the Plaintiff for more information. [Exhibits 1-3]
12. The Plaintiff requested US Senator Thomas R. Carper for assistance with this petition, and was informed that the petition was still pending for name and date of birth clearance with the Federal Bureau of Investigation (FBI) on October 12, 2005. A timeframe was unavailable for completion. [Exhibit 4]
13. On April 6, 2006, the Plaintiff was informed again that the USCIS was not ready for decision, as the required investigation into background remained open, after requested by the Plaintiff for more information. [Exhibit 5]
14. The Plaintiff has been contacting FBI National Name Check Process (FBINNCP) via e-mail five times, and has provided sufficient evidence of his attempt to secure adjudication of this application at issue, all to no purpose. [Exhibit 6]
15. Excepted for the period of time started from October 1, 2005 to June 1, 2006, there was no immigration visa number available in the Plaintiff's petition category for the people from China Mainland due to immigration visa retrogression; immigrant visa is immediately available to the Plaintiff in his petition category.
16. After immigration visa number in the Plaintiff's petition category became current, Plaintiff repeatedly called National Customer Service Center every 30 days to inquiry the Plaintiff's case status, and wrote a letter to Vermont Service Center to take further action on August 19, 2006 because no response was received. Finally, a simple response is "we are awaiting further information from another office to assist us in the final adjudication of this case". But the Plaintiff was and is not requested to provide more evidence and have another fingerprint. [Exhibit 7,8]
17. The Defendants have failed to properly adjudicate this petition. They have failed to adhere to their own regulations and have improperly delayed the processing of the Plaintiff's I-485 Application after the Plaintiff had submitted a properly executed application. It has been over 950 days since the Plaintiff filed his I-485.

18. The Defendants, in violation of the Administrative Procedures Act, 5 USC §701 *et seq.*, are unlawfully withholding action on the Plaintiffs application and have failed to carry out the adjudicative functions delegated to them by law with regard to the Plaintiffs case.
19. The Plaintiff has been greatly damaged by the failure of Defendants to act in accord with their duties under the law. Specifically, Jun Li has been unable to obtain legal permanent residence, travel and work without restriction, and accrue time to be eligible for Naturalization as a citizen of the United States.

PRAYER

20. WHEREFORE, in view of the arguments and authority noted herein, the Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enters an order:
 - (a) requiring Defendants to properly adjudicate Plaintiffs application for action on an approved petition;
 - (b) requiring Defendants to provide the Plaintiff with a Notice of Approval;
 - (c) granting such other relief at law and in equity as justice may require.

Respectfully submitted,

Jun Li

Jun Li, *Pro Se*
18 Marvin Dr. C-3
Newark, Delaware 19713
Telephone (302) 737-5313
Julinyi@yahoo.com

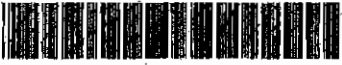
List of Exhibits

- Exhibit 1. Receipt notices from VSC, for concurrent filings of I-140 and I-485.
- Exhibit 2. Approval notice for I-140.
- Exhibit 3. Response from VSC regarding the status of I-485 in Aug. 2005
- Exhibit 4. US Senator Thomas R. Carper's response to the Plaintiff's request for assistance.
- Exhibit 5. Response from VSC regarding the status of I-485 in Apr. 2006.
- Exhibit 6. E-mails to FBI Nation Name Check Process regarding name check status.
- Exhibit 7. Letter to VSC to take further action.
- Exhibit 8. Response from VSC regarding the status of I-485 in Sept. 2006

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Action



RECEIPT NUMBER EAC-04-097-53166		CASE TYPE I140
RECEIVED DATE February 13, 2004		PRIORITY DATE
NOTICE DATE February 19, 2004		PAGE 1 of 1
JUN LI 334 EAST MAIN ST B-6 NEWARK DE 19711		IMMIGRANT PETITION FOR ALIEN WORKER PETITIONER LI, JUN BENEFICIARY A97 155 419 LI, JUN
		Notice Type: Receipt Notice Amount received: \$ 135.00 Section: Indiv w/Adv Deg or Exceptional Ability in the National Interest
<p>The above application or petition has been received. It usually takes 90 to 485 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.</p> <p>We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).</p> <p>If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-787-1633.</p> <p>You can also visit the INS on the internet at www.bcis.gov. On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.</p>		
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>IMMIGRATION & NATURALIZATION SERVICE VERMONT SERVICE CENTER 75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001 Customer Service Telephone: (800) 375-5283</p> 		

Form I-797C (Rev. 09/07/93) N

Exhibit 1-1

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Action



RECEIPT NUMBER EAC-04-097-53102		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE February 13, 2004	PRIORITY DATE	APPLICANT A97 155 419 LI, JUN
NOTICE DATE February 19, 2004	PAGE 1 of 1	

JUN LI
334 EAST MAIN ST B-6
NEWARK DE 19711

Notice Type: Receipt Notice

Amount received: \$ 255.00
Section: Adjustment as direct
beneficiary of immigrant
petition

The above application or petition has been received. It usually takes 365 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at www.ins.gov. On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.


IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283



Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action



RECEIPT NUMBER EAC-04-097-53166		CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE February 19, 2004	PRIORITY DATE February 13, 2004	PETITIONER LI, JUN
NOTICE DATE March 10, 2005	PAGE 1 of 1	BENEFICIARY A97 155 419 LI, JUN
JUN LI 334 EAST MAIN ST B-6 NEWARK DE 19711		Notice Type: Approval Notice Section: Indiv w/Adv Deg or Exceptional Ability in the National Interest
<p>The above petition has been approved. The person this petition is for will be notified separately when a decision is reached on his or her pending adjustment of status application.</p> <p>THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.</p>		
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>IMMIGRATION & NATURALIZATION SERVICE VERMONT SERVICE CENTER 75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001 Customer Service Telephone: (800) 375-5283</p> 		

Form I-797 (Rev. 08/31/04) N

Exhibit 2

U.S. Department of Homeland Security
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001



**U.S. Citizenship
and Immigration
Services**

August 5, 2005

JUN LI
334 EAST MAIN ST B-6
NEWARK, DE 19711

Dear Jun Li:

On 07/20/2005 you, or the designated representative shown below, contacted USCIS about your case. Some of the key information given to us at that time was the following:

Person who contacted us:	JUN LI
Case type:	I-485 EMPLOYMENT BASED
Filing date:	02/13/2004
Type of Service Requested:	CASE STATUS
Receipt number:	EAC0409753102
Beneficiary:	

The status of this service request is:

The processing of each family members I-485 application has been delayed. All petitions/applications received by this Service are required to have routine security checks that are resulting in delays of the adjudication of petitions/applications. We can give no definite indication of when they will be completed. We apologize for the delay.

For future status inquiries of a petition or application filed at this Center you may want to utilize our National Customer Service Center by calling (800) 375-5283. If you would like to obtain forms, filing instructions, case status or schedule an appointment with your local office, please visit our web site at www.uscis.gov (forms and appointments can be obtained from this site). You must use the InfoPass Appointment Scheduler prior to visiting your local office.

FINAL NOTE: Please remember that every person over the age of 14, who is not a U.S. citizen or in 'A' or 'G' nonimmigrant status, must also notify the Department of Homeland Security within 10 days from when they move. To do this, please complete and mail in Form AR-11.

Please remember that every person over the age of 14 who is not a U.S. citizen or in "A" or "G" nonimmigrant status must also notify the Department of Homeland Security within 10 days from when they move. To do this, please complete and mail in form AR-11. Where possible, please provide an A-number or other identifying numbers. You must complete the Form AR-11 and mail to the London, KY address. Failure to complete all applicable sections may delay processing of the form. Please disregard this notice if you have submitted an AR-11 form to DHS/USCIS within the last two weeks to the London, KY address.

Sincerely,

Paul E. Novak, Jr.
Center Director

www.uscis.gov

Exhibit 3

THOMAS R. CARPER
DELAWARE

United States Senate

WASHINGTON, DC 20510-0803

October 12, 2005

Mr. Jun Li
334 East Main Street
Apartment B6
Newark, Delaware 19711

Dear Mr. Li:

Thank you for contacting me to request assistance with a petition submitted to the U.S. Citizenship and Immigration Services (CIS). I understand that your petition for Adjustment of Status (CIS form I-485) has been pending since April of 2005.

I had asked Ms. Marjorie Biles, a member of my staff, to contact the CIS on your behalf. The CIS informed Ms. Biles that your petition is still pending name and date of birth clearance with the Federal Bureau of Investigation (FBI). According to the CIS, this process can take quite some time before completion and a timeframe is unavailable.

Although this may not be the answer you were seeking, I hope you found my staff helpful and efficient. Please feel free to contact me regarding future federal issues of concern to you. Again, thank you.

Sincerely,



Thomas R. Carper
United States Senator

Exhibit 4

U.S. Department of Homeland Security
Vermont Service Center
75 Lower Welden Street
St Albans, VT
05479-0001



**U.S. Citizenship
and Immigration
Services**

Thursday, April 6, 2006

JUN LI
18 MARVIN DR APT C3
NEWARK DE 19713

Dear JUN LI:

On 03/01/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	02/13/2004
Receipt #:	EAC-04-097-53102
Beneficiary (if you filed for someone else):	LI, JUN
Your USCIS Account Number (A-number):	A097155419
Type of service requested:	Case Status - Outside Processing Time Change of Address

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

One final note: When you called you or your representative asked that we update your address on your pending case for the purpose of processing. We have updated your address. Your address now appears on your application or petition as the address shown above.

U.S. CIS - 04-06-2006 12:18 PM EDT - EAC-04-097-53102

Exhibit 5

Yahoo! Mail - julinyi@yahoo.com

Page 1 of 1

YAHOO! MAIL

Print - Close Window

Date: Thu, 12 Jan 2006 08:54:57 -0800 (PST)

From: "Jun Li" <julinyi@yahoo.com>

Subject: Asking name checking status

To: FBINNCP@IC.FBI.gov

Dear Sir/Madam:

I am writing you to ask my name check status.

I filed my I-485 form for adjusting to immigrant to USCIS Vermont services center two years ago. I did my fingerprint in April 2005. After long time waiting, my case has been not approved yet. I contacted Vermont services center to inquire my case status, and was told that my case is pending because of FBI name check. Would you please tell me what status of my case is? The following are my basic information:

Name (first name, family name): Jun Li
Alien No. A097155419
Date of Birth: Feb. 18, 1966
Place of Birth: Akesu, Xinjiang, P. R. China
Citizenship: P. R. China
Residence address: 334 East Main St. B-6, Newark, DE 19711

Thank you very much for your consideration.

Sincerely,

Jun Li

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

Exhibit 6-1

Yahoo! Mail - julinyi@yahoo.com

Page 1 of 1

YAHOO! MAIL

Print - Close Window

Date: Wed, 12 Apr 2006 19:19:19 -0700 (PDT)
From: "Jun Li" <julinyi@yahoo.com>
Subject: Name check status
To: FBINNCP@IC.FBI.gov

Dear Officer:

I just wanted to bring it to your attention that my name check is still pending at your office. Two years has been passed since I submitted my application to United States Citizenship and Immigration Services (USCIS) in Feb. 2004, and I was informed by USCIS that name check request had already sent to your program.

A speedy processing of my name check would be greatly appreciated. Should you have any questions regarding the inquiry, please contact me.

The following are my personal information:

Name (first name, last name): Jun Li
Alien No.: A097155419
Date of Birth: Feb. 18, 1966
Place of Birth: Akesu, Xinjiang, P. R. China
Citizenship: P. R. China
Present residence address: 18 Marvin Dr. C-3, Newark,
DE 19713
Telephone: 302-7375313
E-mail: julinyi@yahoo.com

Thank you very much for your consideration.

Sincerely,

Jun Li

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
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Exhibit 6-2

Yahoo! Mail - julinyi@yahoo.com

Page 1 of 1

YAHOO! MAIL

Print - Close Window

Date: Sun, 25 Jun 2006 14:29:33 -0700 (PDT)
From: "Jun Li" <julinyi@yahoo.com>
Subject: Name check status
To: FBINNCP@IC.FBI.gov

Dear Officer:

I just wanted to bring it to your attention that my name check is still pending at your office. Two years has been passed since I submitted my application to United States Citizenship and Immigration Services (USCIS) in Feb. 2004, and I was informed by USCIS that name check request had already sent to your program.

A speedy processing of my name check would be greatly appreciated. Should you have any questions regarding the inquiry, please contact me.

The following are my personal information:

Name (first name, last name): Jun Li
Alien No.: A097155419
Date of Birth: Feb. 18, 1966
Place of Birth: Akesu, Xinjiang, P. R. China
Citizenship: P. R. China
Present residence address: 18 Marvin Dr. C-3, Newark,
DE 19713
Telephone: 302-7375313
E-mail: julinyi@yahoo.com

Thank you very much for your consideration.

Sincerely,

Jun Li

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Exhibit 6-3

Yahoo! Mail - julinyi@yahoo.com

Page 1 of 1

YAHOO! MAIL

Print - Close Window

Date: Thu, 6 Jul 2006 06:21:06 -0700 (PDT)

From: "Jun Li" <julinyi@yahoo.com>

Subject: Name check status

To: FBINNCPC@IC.FBI.gov

Dear Officer:

I just wanted to bring it to your attention that my name check is still pending at your office. Two years has been passed since I submitted my application to United States Citizenship and Immigration Services (USCIS) in Feb. 2004, and I was informed by USCIS that name check request had already sent to your program.

I believed my long time name check is due to my common name. In English, my name is the same as many other people's because of pronunciation. But, if you input my name into system with date birth, sexuality, place of birth etc., the hit will extremely reduce. A speedy processing of my name check would be greatly appreciated. Should you have any questions regarding the inquiry, please contact me.

The following are my personal information:

Name (first name, last name): Jun Li
Alien No.: A097155419
Date of Birth: Feb. 18, 1966
Place of Birth: Akesu, Xinjiang, P. R. China
Citizenship: P. R. China
Present residence address: 18 Marvin Dr. C-3, Newark,
DE 19713
Telephone: 302-7375313
E-mail: julinyi@yahoo.com

Thank you very much for your consideration.

Sincerely,

Jun Li

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Exhibit 6-4

Yahoo! Mail - julinyi@yahoo.com

Page 1 of 1

YAHOO! MAIL

Print - Close Window

Date: Sun, 20 Aug 2006 14:40:55 -0700 (PDT)

From: "Jun Li" <julinyi@yahoo.com>

Subject: Name check status

To: FBINNCP@IC.FBI.gov

Dear Officer:

I just wanted to bring it to your attention that my name check is still pending at your office. Two and half years has been passed since I submitted my application to United States Citizenship and Immigration Services (USCIS) in Feb. 2004, and I was informed by USCIS that name check request had already sent to your program.

I believed my long time name check is due to my common name. In English, my name is the same as many other people's because of pronunciation. But, if you input my name into system with date birth, sexuality, place of birth etc., the hit will extremely reduce. A speedy processing of my name check would be greatly appreciated. Should you have any questions regarding the inquiry, please contact me.

The following are my personal information:

Name (first name, last name): Jun Li
Alien No.: A097155419
Date of Birth: Feb. 18, 1966
Place of Birth: Akesu, Xinjiang, P. R. China
Citizenship: P. R. China
Present residence address: 18 Marvin Dr. C-3, Newark,
DE 19713
Telephone: 302-7375313
E-mail: julinyi@yahoo.com

Thank you very much for your consideration.

Sincerely,

Jun Li

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<http://mail.yahoo.com>

Exhibit 6-5

Jun Li
 18 Marvin Dr. Apt. C-3
 Newark, DE 19713

8/19/2006

Dear Immigration Officer:

I am writing you just want you know that our cases of I-485 are still pending. I submitted our petitions with concurrent filing I-140 and I-485 on Feb. 13, 2004. My EB based NIW I-140 was approved on March 10, 2005. Here is a track of our cases:

Feb. 19, 2004: concurrent filings of NIW I-140 and I-485 for myself, filings of I-485 for my wife and son.
 Mar. 10, 2005: approval of I-140.
 Apr. 20, 2005: finger prints (code 1) for me and my wife.
 Mar. 1, 2006: updating our address.

During our I-485 pending, we applied I-131 and I-765 for me and my wife, and all were approved. We did call national customer service center several times regarding our pending I-485 case status. Sometimes, we received confirmation letter and explanation that delay of our cases was due to security check. We understand that how busy you are and how important background check is to national security. As you can see, our finger prints are out of date (as I know, finger print is only valid for 15 months), we still have not received any request for further action. We appreciate your attention to our cases. Would you please tell me that my security check is over? What statuses are for our pending I-485 cases?

The following are our basic information:

Name	Gender	Birthday	Alien No	I-485case No
Jun Li	male	Feb. 18, 1966	97155419	EAC-04-097-53102
Yi Li	female	Oct. 4, 1966	98226477	EAC-04-097-53123
Xiao Li	male	Aug. 9, 1993	98226488	EAC-04-097-53140

Thank you very much for your consideration.

Sincerely,

Jun Li

Exhibit 7

U.S. Department of Homeland Security
Vermont Service Center
75 Lower Welden Street
St. Albans, VT
05479-0001



U.S. Citizenship
and Immigration
Services

Monday, September 18, 2006

JUN LI
18 MARVIN DR
APT C3
NEWARK DE 19713

Dear JUN LI:

On 08/08/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	02/13/2004
Receipt #:	EAC-04-097-53102
Beneficiary (If you filed for someone else):	LI, JUN
Your USCIS Account Number (A-number):	A097155419
Type of service requested:	Non-delivery

The status of this service request is:

The processing of your petition/application has been delayed. We are awaiting further information from another office to assist us in the final adjudication of this case. As soon as this information is received, processing will continue on this case.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 09-18-2006 07:11 AM EDT - EAC-04-097-53102

Jun Li
18 Marvin Dr. Apt. C-3
Newark, DE 19713

U.S. POSTAGE
PAID
NEWARK, DE
SEP 25 11 06
AMOUNT
\$4.95
00075341-03



0000

19801

Clerk
US District Court
Lockbox 18
844 N. King Street
Wilmington, DE 19801

7006 0100 0006 3537 6138

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
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CERTIFIED MAIL[®]



7006 0100 0006 3537 6138



06-596

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Li Jun

(b) County of Residence of First Listed Plaintiff New Castle

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS Michael Chertoff, Secretary of the Department of Homeland Security (DHS); Emilio T. Gonzalez, Director of USCIS, DHS; Paul E. Novak, Jr., Vermont Service Center Director, USCIS, DHS; Robert S. Mueller, Director of Federal Bureau of Investigation (FBI)

County of Residence of First Listed Defendant New Castle

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2006 SEP 26 PM 1:13

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 PTF ☐ 1 DEF
Citizen of Another State ☐ 2 PTF ☐ 2 DEF
Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF
Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☐ 5 DEF
Foreign Nation ☐ 6 PTF ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1331, 28 USC 1361

Brief description of cause:

Mandamus action to compel USCIS to adjudicate plaintiff's Adjust Status petition

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAO. JUDGE _____

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06 - 596

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 5 COPIES OF AO FORM 85.

SEP 26 2006

(Date forms issued)

Jun Li

(Signature of Party or their Representative)

JUN LI

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

RE: C.A.# 06-596

CASE CAPTION: Li v. Chertoff, et al.

ACKNOWLEDGMENT OF RECEIPT FOR F.R.Civ.P. 4

I hereby acknowledge receipt of a copy of Rule 4 (Summons) of the Federal Rules of Civil Procedure, and understand that it is my responsibility to make service of process on defendants in accordance with this rule.

Date Received 9/28/2006
by Plaintiff:

Signed: Jun Li
Pro Se Plaintiff

Date Received 10/3/06
by Clerk's office:

Signed: Beth Ainan
Deputy Clerk

Note: If you received Federal Rule 4 by mail, please sign this receipt and return it to:

Clerk
U.S. District Court
844 N. King Street
Lockbox 18
Wilmington, DE 19801

If applicable, Rule 4 mailed to plaintiff:

9/27/06
Date mailed

Beth Ainan
By Deputy Clerk

cc: Docketing Clerk